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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. 04-20193 RMW
	)	
Plaintiff,	)	
	)	STIPULATION AND <input type="checkbox"/>
v.	)	CONTINUING HEARING DATE AND
	)	ORDER EXCLUDING TIME
LIONSO ORTIZ, and	)	
FELISIANO SALAZAR,	)	
	)	
Defendant.	)	SAN JOSE VENUE
	)	

The undersigned parties respectfully request that the change of plea hearing in the above-captioned matter be continued from August 20, 2007 to September 10, 2007. The reason for the continuance is that the Jack Gordon, who represents defendant Ortiz, is unavailable on August 27, 2007, a date in which the Court recently set for the hearing. Also, the parties have reached a global disposition which requires both defendants to enter guilty pleas at the same time. Therefore, the parties jointly request that the case be continued to September 10, 2007. The parties also request an exclusion under the Speedy Trial Act from August 20, 2007 to September 10, 2007. The undersigned parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel and continuity of counsel.

1 SO STIPULATED:

SCOTT N. SCHOOLS  
United States Attorney

2  
3 DATED: 8/17/07

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED: 8/17/07

/s/  
JACK GORDON  
Counsel for Mr. Ortiz

6  
7  
8 DATED: 8/17/07

/s/  
BRUCE FUNK  
Counsel for Mr. Salazar

9  
10  
11 Accordingly, for good cause shown, the Court HEREBY ORDERS that the change of plea  
12 hearing be continued from August 20, 2007 to September 10, 2007.

13 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from  
14 August 20, 2007 to September 10, 2007. The Court finds, based on the aforementioned reasons,  
15 that the ends of justice served by granting the requested continuance outweigh the best interest of  
16 the public and the defendant in a speedy trial. The failure to grant the requested continuance  
17 would deny defense counsel reasonable time necessary for effective preparation, taking into  
18 account the exercise of due diligence, and would result in a miscarriage of justice. The Court  
19 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)  
20 and (B)(iv).

21 SO ORDERED.

22  
23 DATED: 8/21/07

  
RONALD M. WHYTE  
United States District Judge